

REMARKS

The Applicant respectfully requests further examination in view of the above amendment. Claims 1-47 have been subjected to an election/restriction requirement. Within the Office Action it is stated that Claims 1-31 are drawn to a waterproof recreational audio device, while Claims 32-47 are drawn to a recreational audio device.

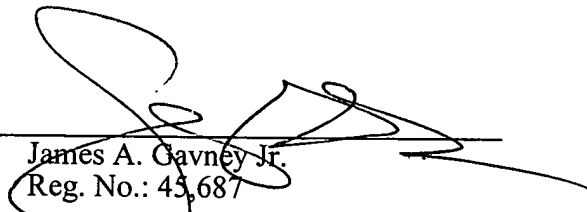
By way of the above amendment, the term waterproof has been deleted from the 1-31. Accordingly Claim 1-47 are now all drawn to a recreational audio device and an election/restriction requirement based on the reasons outline in the Office Action is no longer appropriate. By way of the above amendment Claims 1, 5, 7, 22, 32 and 40 have been amended to place the Claims in a preferred format. No new subject matter has been added by way of the above amendment. Claims 1-47 are still pending in this Application.

CONCLUSION

If the Examiner has any questions or comments, he is invited to call the undersigned at (408) 530-9700 so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 2/28/2006

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 2/28/06 By: fe